



## **Board of Defensive Driving**

Arizona State Courts Building  
1501 West Washington Street, Phoenix, Arizona 85007  
Conference Room 109

Date: April 15, 2009  
Time: 10:00 a.m. – 2:00 p.m.

### **Approved Regular Meeting Minutes**

#### **MEMBER ATTENDANCE:**

##### **Present:**

Judge Gary J. LaFleur  
Rolland (Ron) E. DeLong  
Pamela K. Najera  
Leonard Montanaro  
Elaine Acosta Sweet  
Virginia Davis  
Steven Soldis  
Cecile T. Woodward

##### **Telephonically Present:**

Robert G. A. Hall  
Judge Daniel S. Jurkowitz  
Lynette Rudow

##### **Absent:**

#### **OTHER ATTENDEES**

##### **AOC Staff:**

Kitty Boots  
Nancy Swetnam  
Kandace French  
Kimberly Siddall  
Bonnie Toms  
Becky Sorenson  
Jennifer Greene  
Karla Clanton  
Lori Braddock

##### **Guests:**

Cynthia Thomas  
Larry Clapick  
Debra Grossman  
Bill Reidel

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**CALL TO ORDER**

***Called to Order By:*** Judge Gary LaFleur

***Time:*** 10:02 a.m.

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**1) REVIEW AND APPROVAL OF MINUTES**

***1-A: Review, discussion, and approval of the Regular Session Minutes for the meeting of February 18, 2009.***

***Individuals Addressing the Board:*** Judge Gary LaFleur

***Discussion:*** Discussion regarding incorrect minutes posted to the website. Correct minutes will be ready for Board review at the June 17, 2009 meeting.

***Motion:*** Move to defer review of the Regular Session Minutes for the meeting of February 18, 2009 to the next scheduled meeting.

***Motion Proposal:*** First Pamela Najera  
Second Elaine Acosta Sweet

***Motion:*** Pass

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**2) ADMINISTRATIVE ISSUES**

***2-A: Review and discussion regarding the implementation of 2007-2008 legislation.***

***Individuals Addressing the Board:*** Nancy Swetnam, Kandace French, Cynthia Thomas

***Discussion:*** Ms. Swetnam, Division Director, provided a verbal report regarding the implementation of legislation which went into effect January 1, 2009 including changes in court fees. Ms. Thomas spoke regarding website changes and programming issues.

***2-B: Review and discussion regarding proposed changes to ACJA 7-205.***

***Individuals Addressing the Board:*** Nancy Swetnam, Kandace French, Kitty Boots, Cynthia Thomas

***Discussion:***

The Board was asked to review and consider recommendation of amendments to ACJA § 7-205, including, but not limited to ACJA § 7-205(F)(25)(f)(2), which currently requires a school to transmit the court division fees and the remittance report to the court no less than two times per week, and ACJA § 7-205(E)(1)(k) regarding the requirement for a content knowledge and testing for online (ADM) school attendees. Discussion followed regarding the current requirement for attendees of online (ADM) defensive driving schools to complete and pass content knowledge and testing pursuant to ACJA § 7-205(E)(1)(k) and ACJA § 7-205(E)(1)(k)(1)(6-7) and the fact that classroom attendees do not have this requirement. Further discussion included online versus classroom requirements, difficulties with online reporting of class completion, batch transmissions, current website system limitations, and suggestions for changes. Judge LaFleur suggested the Defensive Driving Subcommittee reactivate to consider changes and proposed legislation. Steve Soldis requested to be included in the subcommittee. The subcommittee will consist of Judge Gary J. LaFleur, Judge Daniel S. Jurkowitz, Pamela K. Najera, Leonard Montanaro, and Steven Soldis.

***2-C: Review and discussion regarding proposed new legislation.***

***Individuals Addressing the Board:*** Nancy Swetnam

***Discussion:***

Ms. Swetnam provided a verbal report to the Board regarding the status of new proposed legislation related to the Defensive Driving Program.

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Note: Request made to take 4-C out of order

***4-C: Review, consideration and possible action regarding approval of third party contract between Arizona Crash Course in Traffic Safety, LLC and Driving University, LLC.***

***Individuals Addressing the Board:*** Kimberly Siddall, Kitty Boots, Larry Clapick

***Discussion:***

The Board was asked to review a third party contract between Arizona Crash Course in Traffic Safety, LLC and Driving University, LLC, which would provide ADM school services to customers of Arizona Crash Course in Traffic Safety, LLC. Both are certified defensive driving schools in good standing. Mr. Clapick spoke on behalf of Arizona Crash Course. Staff recommended the Board approve the third party contract pursuant to ACJA 7-205(F)(22)(c)(13).

**Motion:** Move to accept staff recommendation.

**Motion Proposals:** First Elaine Acosta Sweet  
Second Leonard Montanaro

**Motion Results:** Pass

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**3) REVIEW OF PENDING COMPLAINTS**

**3-A: Review, discussion, and possible action regarding following complaint number:**

**Complaint Number 09-D002 – Arizona Defensive Driving School, Inc.**

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** On March 26, 2009, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist as to Allegations 1 and 2 of complaint number 09-D002. Staff recommended the Board accept the finding of the probable cause evaluator and dismiss complaint number 09-D002.

**Motion:** Move to accept staff recommendation.

**Motion Proposals:** First Leonard Montanaro  
Second Rolland DeLong  
Recusal Virginia Davis

**Motion Results:** Pass

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**4) CERTIFICATION AND ELIGIBILITY**

**4-A: Review, consideration and possible action regarding pending initial certification applications of the following defensive driving instructors:**

**Richard Gurganus  
Donald Hudson  
Dwight McDivitt  
Peter Rimmasch  
Robert Grossman  
Debra Grossman**

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** The following defensive driving instructor applicants are complete. It is recommended initial certification be granted to the following individuals:

Richard Gurganus  
Donald Hudson  
Debra Grossman

**Motion:** Move to accept staff recommendation.

**Motion Proposals:** First Rolland DeLong  
Second Pamela Najera

**Motion Results:** Pass

**Discussion:** Staff recommended consideration of the following application be deferred to the June 17<sup>th</sup> meeting as application remains incomplete pending receipt of additional information or proof of passing the examination:

Peter Rimmasch

**Motion:** Move to accept staff recommendation.

**Motion Proposals:** First Pamela Najera  
Second Virginia Davis

**Motion Results:** Pass

**Discussion:** The following defensive driving instructor applicant is complete. Staff recommended initial certification be granted to the following individual:

Robert Grossman

**Motion:** Move to accept staff recommendation.

**Motion Proposals:** First Pamela Najera  
Second Rolland DeLong

**Motion Results:** Pass

**Discussion:** The following applicant failed to disclose a civil action he had filed for collision damages and which was settled out of court. Applicant also failed to disclose a speeding ticket received on January 11, 2005. Applicant stated it did not show up on his DMV report and he did not recall the citation until reminded by staff. Staff recommended the Board grant initial certification and include language regarding future non-disclosure may result in denial or disciplinary action.

Dwight McDivitt

**Motion:** Moe to accept staff recommendation.

**Motion Proposals:** First Elaine Acosta Sweet  
Second Steven Soldis

**Motion Results:** Pass

**4-B: Review, consideration and possible action regarding initial certification of the following defensive driving school:**

***Central Phoenix Traffic School, LLC***

**Individuals Addressing the Board:** Kimberly Siddall, Debra Grossman

**Discussion:** Division staff reviewed the school's application and curriculum and also observed the course demonstration. Staff recommended initial certification be granted to Central Phoenix Traffic School, LLC. Debra Grossman, manager of the school, appeared on the school's behalf.

**Motion:** Move to accept staff recommendation.

**Motion Proposals:** First Leonard Montanaro  
Second Cecile Woodward

**Motion Results:** Pass

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## CALL TO THE PUBLIC

No response.

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**ADJOURNMENT**

***Motion:*** Adjourn the meeting.

***Motion Proposals:*** First Leonard Montanaro  
Second Pamela Najera

***Motion Results:*** Pass

***Time:*** 11:18 a.m.

Initials: bt

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April 16, 2009 6/17/09